

# STATE OF NEW YORK

8365

## IN SENATE

January 23, 2024

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to affidavits of the lawful immigration status of certain students; and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The closing paragraph paragraph a and the closing paragraph  
2 of paragraph b of subdivision 5 of section 661 of the education law are  
3 REPEALED.

4 § 2. The closing paragraph of subparagraph (i) of paragraph (a) of  
5 subdivision 7 of section 6206 of the education law, as amended by  
6 section 3 of part B of chapter 56 of the laws of 2023, is amended to  
7 read as follows:

8 [~~A student without lawful immigration status shall also be required to~~  
9 ~~file an affidavit with such institution or educational unit stating that~~  
10 ~~the student has filed an application to legalize his or her immigration~~  
11 ~~status, or will file such an application as soon as he or she is eligi-~~  
12 ~~ble to do so.~~] The trustees shall not adopt changes in tuition charges

13 prior to the enactment of the annual budget. The board of trustees may  
14 accept as partial reimbursement for the education of veterans of the  
15 armed forces of the United States who are otherwise qualified such sums  
16 as may be authorized by federal legislation to be paid for such educa-  
17 tion. The board of trustees may conduct on a fee basis extension courses  
18 and courses for adult education appropriate to the field of higher  
19 education. In all courses and courses of study it may, in its  
20 discretion, require students to pay library, laboratory, locker, break-  
21 age and other instructional and non-instructional fees and meet the cost  
22 of books and consumable supplies. In addition to the foregoing fees and  
23 charges, the board of trustees may impose and collect fees and charges  
24 for student government and other student activities and receive and  
25 expend them as agent or trustee.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11178-02-3

1 § 3. The closing paragraph of paragraph (a-1) of subdivision 7 of  
2 section 6206 of the education law, as amended by chapter 669 of the laws  
3 of 2022, is amended to read as follows:

4 ~~[A student without lawful immigration status shall also be required to~~  
5 ~~file an affidavit with such institution or educational unit stating that~~  
6 ~~the student has filed an application to legalize his or her immigration~~  
7 ~~status, or will file such an application as soon as he or she is eligi-~~  
8 ~~ble to do so.]~~ Except as otherwise authorized in paragraph (a) of this

9 subdivision, the trustees shall not adopt changes in tuition charges  
10 prior to the enactment of the annual budget. The board of trustees may  
11 accept as partial reimbursement for the education of veterans of the  
12 armed forces of the United States who are otherwise qualified such sums  
13 as may be authorized by federal legislation to be paid for such educa-  
14 tion. The board of trustees may conduct on a fee basis extension courses  
15 and courses for adult education appropriate to the field of higher  
16 education. In all courses and courses of study it may, in its  
17 discretion, require students to pay library, laboratory, locker, break-  
18 age and other instructional and non-instructional fees and meet the cost  
19 of books and consumable supplies. In addition to the foregoing fees and  
20 charges, the board of trustees may impose and collect fees and charges  
21 for student government and other student activities and receive and  
22 expend them as agent or trustee.

23 § 4. The second undesignated paragraph of subdivision 5 of section  
24 6301 of the education law is REPEALED.

25 § 5. The closing paragraph of paragraph (a) of subdivision 2 and the  
26 closing paragraph of paragraph (a) of subdivision 3 of section 6455 of  
27 the education law are REPEALED.

28 § 6. This act shall take effect on the sixtieth day after it shall  
29 have become a law; provided, however, that section two of this act shall  
30 take effect on the same date as the reversion of paragraph (a) of subdivi-  
31 sion 7 of section 6206 of the education law as provided in section 16  
32 of chapter 260 of the laws of 2011, as amended; provided further, howev-  
33 er, that the amendments to paragraph (a-1) of subdivision 7 of section  
34 6206 of the education law made by section three of this act shall not  
35 affect the repeal of such paragraph and shall be deemed repealed there-  
36 with.